(72)

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION No. 3470 of 2006

PETITIONER : AMBIKA COAL DEPOT, Through: its Proprietor, Mahesh Agrawal, S/o. K.L.Agrawal, Aged about 35 years, R/o. Ambikapur, District Surguja (CG)

VERSUS

RESPONDENTS : 1. South Eastern Coalfields Limited, Through: its Chairman-cum-Managing Director, Seepat Road, Bilaspur (CG)
2. General Manager, Vishrampur Colliery, District Surguja (CG)
3. The Chief General Manager (S&M) SECL, Seepat Road, Bilaspur, District Bilaspur (CG)
4. Area Sales Manager, SECL, Vishrampur Area, Tahsil Vishrampur, District Surguja (CG)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Shri Manoj Paranjpe, Advocate for the petitioner.
Shri P.S.Koshy, Advocate for the respondents.

ORDER

(Passed on 26th day of October, 2007)

1. Learned counsel appearing for the petitioner submits that the respondents are not permitting the petitioner to lift the entire coal as per the delivery order dated 22.04.2006. Learned counsel further submits that the entire amount for the coal has been paid but the respondents, without affording any opportunity of hearing or without passing any order, are preventing the petitioner from lifting the remaining coal. Learned counsel further submits that the petitioner has made representations dated 20.05.2006 (Annexure P/4) and 01.06.2006 (Annexure P/5) which remain undecided till date. The petitioner is suffering on account of arbitrary action of the respondents.

2. Shri Koshy, learned counsel appearing respondents submits that there are some substantial reasons for not permitting the petitioner to lift the remaining coal.

3. Be that as it may. The respondents are directed to consider the representations dated 20.05.2006 (Annexure P/4) and 01.06.2006 (Annexure P/5) after affording an opportunity of hearing to the petitioner and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order.

4. In view of the foregoing, this petition stands disposed of. No order asto costs.

Sd/-
Satish K. Agnihotri
Judge